THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.14643 of 2007
Date: 31-10-2007

Between:
N.Bhagavan Reddy

Petitioner

And

The Station House Officer,
P.S. Sanath Nagar, Hyderabad and others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.14643 of 2007

ORDER:

1. This writ petition has been instituted seeking declaration of the action of the respondents in interfering in a dispute of civil nature and thus causing interference with the right of the petitioner to lead a peaceful life as bad in law. The petitioner alleges that the fourth respondent used his influence with the Police and the consequential harassment to him at the hands of the Police.

2. The Inspector of Police, Sanathnagar Police Station, Hyderabad, has filed a detailed counter affidavit. The said counter reveals that the writ petitioner himself lodged a complaint on 5th July, 2007 with the Commissioner of Police, Cyberabad stating that the fourth respondent herein along with some anti-social elements has been harassing the writ petitioner and has been causing threats to his life and the lives of his family members and that one such incident had occasioned on 04-07-2007. Therefore, the Commissioner of Police has promptly forwarded the said complaint to the Assistant Commissioner of Police, Balanagar Division, Cyberabad for investigation and for filing a detailed report in the matter. The Assistant Commissioner of

Police, Balanagar Division, therefore investigated into the complaint of the petitioner and he realized in the process that the writ petitioner is involved as main accused in Crime No.277/2006 on the file of the Sanathnagar Police Station. The Assistant Commissioner also realized that the petitioner is found to be indulging in creating fake sale deeds and fake rubber seals and consequently he was involved in two other cases in Crime Nos. 674 and 1397/ 2006 on the file of the Kukatpally Police Station. The petitioner has been arrested in connection with the aforementioned two cases and he has also been remanded to judicial custody by the IX Metropolitan Magistrate at Kukatpally. The Assistant Commissioner had also noticed that the petitioner played an active role for securing sale of certain land to the 4th respondent herein, which transaction ultimately ran into trouble. The Assistant Commissioner of Police has also noticed that the writ petitioner had in fact, returned substantial amount to Sri G.Narasimha Rao, the 4th respondent as the transaction had ultimately failed to materialize. Therefore, he concluded the report that there are disputes between the writ petitioner on one hand and Sri G.Narsimha Rao on the other with regard to a failed sale transaction of land and that there is no element of criminal conduct exhibited by the said G.Narsimha Rao for the Police to proceed against him, as is sought out to be made by the writ petitioner in his complaint dated 05-07-2007.

3. In fact, the Inspector of Police has asserted in paragraph 7 of his

affidavit in the following terms:

> " I respectfully submit that I never interfered with the civil disputes. I never summoned the petitioner to the Police station nor sent any of the personnel one of this respondent Police station to the house of the petitioner. I never threatened the petitioner and his family members at any point of time. The allegation of the petitioner that earlier this respondent Police falsely implicated him in a land dispute and unofficially detained him for more than one week is also false and hence denied."

4. From the assertions of the Police, extracted supra, it is clearly evident that there is a running civil dispute between the writ petitioner on one hand and the fourth respondent on the other and that the Police have not poked their nose in this regard and consequently had not tried to interfere with the life and liberty of the writ petitioner or his family members. Since the writ petitioner himself has filed the complaint with the Commissioner of Police, Cyberabad on 5th July,2007, which complaint has been referred to the Assistant Commissioner of Police, Balanagar Division, for further investigation of the matter, as part of the investigation process, if an enquiry is conducted, the same cannot be termed or treated as an unwarranted interference with the life and liberty of the writ petitioner.

5. The learned counsel for the petitioner would urge that the Police have conducted a perfunctory investigation into his complaint and they have purposefully filed a factually inaccurate report, under the influence of the fourth respondent. These are aspects, which cannot be

speculated upon by this court. It is certainly open to the writ petitioner to take recourse to the remedies available to him to secure proper investigation into complaint lodged by him if cognizance of offence is liable to be taken thereof.

6. With this, the writ petition stands disposed of. No costs.

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NOOTY RAMAMOHANA RAO,J

31-10-2007
Stp